

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WALTER W. GARCIA-SERRANNO, ANNA
M. STESIK-GARCIA, CIPRIAN VERES-POP,
AND WALTER FLORES,

Plaintiffs,

-against-

33 WEST 54TH STREET LLC, FRANCESCO
SORRENTINO a/k/a GIANFRANCO
SORRENTINO, AND PAULA BOLLA
SORRENTINO,

Defendants.

09 Civ. 5467 (LAK)

**AFFIDAVIT OF FELICE B. EKELMAN, ESQ. IN SUPPORT
OF DEFENDANTS' OPPOSITION TO PLAINTIFFS'
CROSS-MOTION TO PROCEED AS A COLLECTIVE
ACTION UNDER FLSA, 29 U.S.C. 216(b) AND TO CERTIFY
THE CLASS UNDER FED.R.CIV.P.23(b)(3).**

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Felice B. Ekelman, Esq., an attorney in good standing, admitted to practice before
the United States District Court for the Southern District of New York, deposes and says:

1. I am a Partner with the law firm Jackson Lewis LLP, attorneys of record
for 33 West 54th Street LLC, Francesco Sorrentino a/k/a Gianfranco Sorrentino, and Paula Bolla
Sorrentino ("Defendants") in connection with the above-captioned action. As such, I am fully
familiar with the facts set forth herein and with the documents attached hereto. I make this
Affidavit in support of Defendants' Opposition to Plaintiffs' "Cross-Motion To Proceed As A
Collective Action Under FLSA, 29 U.S.C. 216(b) and to Certify the Class Under
FedR.Civ.P.23(b)(3)".

2. Attached hereto as Exhibit "A" is a copy of Plaintiffs' Second Amended Complaint.

3. Attached hereto as Exhibit "B" is a true and correct copy of the Affidavit of Luigi Cozzolino.

4. Attached hereto as Exhibit "C" is a true and correct copy of the Affidavit of Salvatore De La Mazza.

5. Attached hereto as Exhibit "D" is a true and correct copy of the Affidavit of Saverio Rios.

6. Attached hereto as Exhibit "E" is a true and correct copy of the Affidavit of Juan Tello.


7. Attached hereto as Exhibit "F" is a true and correct copy of the Affidavit of Jorge Coronel.

8. Attached hereto as Exhibit "G" is a copy of the Report and Recommendation of the Minimum Wage Board to the New York Commissioner of Labor Pursuant to Labor Law Section 655, dated September 18, 2009.

9. Attached hereto as Exhibit "H" is a copy of the Order Denying Plaintiff's Motion To Allow Notification Of Potential Class Members in the matter styled Justiniano-Revollo v. Shorty's IV, Inc., No. 03-CV-23077, (S.D. Fla. Mar. 17, 2004).

10. Attached hereto as Exhibit "I" is a copy of the Order compelling discovery from all opt-in Plaintiffs in the matter styled Williams, et al v. Twenty Ones Inc., et. al., No. 07-CV-3978 (S.D.N.Y. Feb. 27, 2009).

11. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Felice B. Ekelman (FE 5692)

Sworn to and subscribed before me
this 29th day of September 2009


Notary Public

Marjorie N Kaye, Jr.
Notary Public, State of New York
No. 02KA5062656
Qualified in Westchester County
Commission Expires July 01, 2010

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2009 a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

By: /s/ Felice B. Ekelman
Felice B. Ekelman (FE 5692)